

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

March 27, 2015

Mr. Kevin Bogardus
Greenwire
Environmental & Energy Publishing
122 C Street N.W., Suite 722
Washington, DC 20001

RE: Response to Freedom of Information Requests:
EPA-HQ-2015-003988 – EPA-HQ-2015-003989

Dear Mr. Bogardus:

This letter is an interim response to the above referenced Freedom of Information Act (FOIA) requests, wherein you asked for copies of Exhibit 1 of the report of 2013 Fortymile Mining district investigation, and photographic and video records concerning the same investigation. Enclosed are documents responsive to your request. Some of the documents have been redacted in accordance with 5 U.S.C. § 552(b)(7)(C), which exempts from disclosure records or information compiled for law enforcement purposes that could cause an unwarranted invasion of personal privacy. Additional records will be provided to you the week of March 30.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with my action on this request, you may submit a written appeal to the National Freedom of Information Officer, FOIA and Privacy Branch (2822T), United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (U.S. Postal Service Only), or by fax: (202) 566-2147, or by email hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004.

Your appeal must be in writing and submitted no later than 30 calendar days from the date of this letter. The agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed including the assigned FOIA request number shown above. For quickest possible handling, both the appeal letter and its envelope should be clearly marked "Freedom of Information Act Appeal."

Should you have additional questions regarding this response, please contact Ms. Isabelle Pettiford of my staff via e-mail at pettiford.isabelle@epa.gov or by telephone at (202) 564-7396.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Fisher". The signature is written in a cursive, flowing style.

Michael R. Fisher, Director
Legal Counsel Division
Office of Criminal Enforcement,
Forensics and Training

cc: National Freedom of Information Officer
FOIA and Privacy Branch (2822T)